

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Group Art Unit: 1653

Young et al.

Examiner: Liu, Samuel W.

Serial No.: 09/889,331

Filed: December 18, 2001

For: METHODS FOR GLUCAGON
SUPPRESSION

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The attached reproduction of a laboratory notebook page, Exhibit A, shows that the undersigned inventors reduced the invention claimed in the above-captioned patent application to practice not later than September 2, 1998. The laboratory notebook is that of an Amylin employee working at the direction of the undersigned inventors at the time.

All data except for the graph at the bottom left column of Exhibit A have been redacted. This graph, which is the only visible data graph on the redacted copy of the laboratory notebook, is pertinent to the subject patent application. The graph reproduced in Exhibit A was generated on September 2, 1998 from earlier-collected data, was entered into the notebook on September 14, 1998, and was witnessed on October 2, 1998.

This graph illustrates a mean reduction in eight subjects' plasma glucagon levels (expressed in units of pM in the referenced graph) as compared to seven control subjects administered saline, witnessed after administration of exendin-4 intravenously using a bolus dose of 0.21 μ g at time = 0,

Considered - 23 Jan 2003

followed by an infusion of exendin-4 at a rate of 2.1 µg/ml/h for the duration of the study. The study was a hyperglycemic clamp experiment (designated by "Hyper") and the subjects were diabetic Fatty Zucker ("ZDF") rats.

These data thus evidence that the undersigned inventors were in possession of at least a method of lowering plasma glucagon in a subject by administering an exendin not later than September 2, 1998.

All statements made in this Declaration based on the own knowledge of the undersigned inventor(s) are true and all statements made based on information and belief are believed to be true. The undersigned inventors hereby acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patent issuing thereon.

Dated: 18 NOV 2002

Andrew A. Young
Andrew A. Young

Dated: 18 November 2002

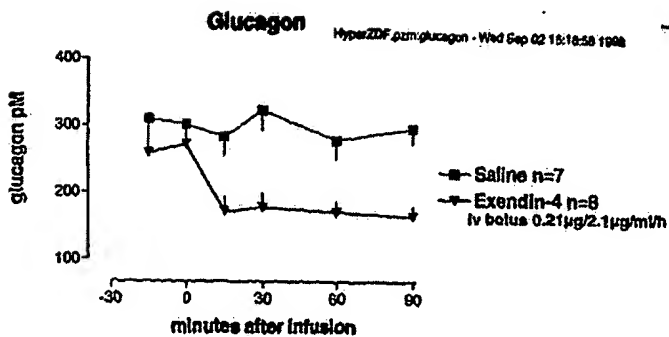
Bronislava Gedulin
Bronislava Gedulin

PROJECT Hyper ZDF

Notebook N. AR1817
Continued From Page 98

99

HyperZDF.ppt.layout-1 - Wed Sep 02 14:51:44 1998



Continued on Page 100

Read and Understood By

C. Diller
Signed

9/14/98
Date

[Signature]
Signed

Oct 2, 1998
Date